IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 980 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 05/05/2004 in WPMP.No.114561 in WP NO.6762 OF 2004 on the file of the High Court.)

Between:

1 No. 901570077, Sub Inspector (Ministerial) (Under suspension)
Anand Kumar aged 38 years, O/o DIGO, CRPF , Chandrayanagutta, Hyderabad.

2 No. 931880046, Sub Inspector (Steno) (Under suspension)
Suraj Bhan, aged 34 years, O/o DIGO, CRPF , Chandrayanagutta, Hyderabad.

3 No. 921172968 Constable/Driver (Under Suspension)
Gopi Ram, aged 33 years, O/o 12 Battalion CRPF now attached to CRPF Group Centre, Hyderabad.

..... APPELLANTS

AND

1 The Union of India (Through Secretary for Home), Govenment of India, New Delhi.

2 The Deputy Inspector General of Police (CRPF), Group Centre, Chandrayanguta, Hyderabad.

3 B. Jayakrishnan (Enquiry Officer), and Deputy Commandant 141 Batalion
CRPF C/o Group Centre, Hyderabad.

.....RESPONDENTS

Counsel for the Appellants: MR.O.MANOHER REDDY

For the Respondents.: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court made the following:

ORAL JUDGMENT: (Per G.B. J.)

The Writ Appeal is filed against the orders passed by the learned single Judge in WPMP.No.11461/2004 in W.P.No.6762/2004, dated 5.5.2004.

2. The learned single Judge passed the following order in the WPMP:

> "Post WPMP after vacation'.
> In the meanwhile, respondents shall continue the departmental enquiry in the language known to the 3rd writ petitioner.
> Notice".

3. The grievance of the appellants is that the learned single Judge refused to grant interim stay and if the enquiry is conducted, nothing remains to be considered in the Writ Petition, and therefore, the learned single Judge ought to have passed interim stay of all further proceedings in the departmental enquiry.

4. The learned counsel for the appellants submit that the Prosecutional Officer is being examined as a witness, which is against the principles of conducting the departmental enquiry. We have also heard the learned Standing Counsel for Central Government.

5. After hearing both the learned counsel, we are not inclined to record any finding on the merits of the case as the WPMP has not

been finally disposed of and pending final orders to be passed, interim arrangement has been made. Therefore the WPMP has to be heard by the learned single Judge and pass appropriate orders. Thus, we do not find any ground to admit the Writ Appeal.

6. Accordingly the Writ Appeal is dismissed at the admission stage. However, the Registry shall post the WPMP No.11461 of 2004 in WP.No.6762 of 2004 before the appropriate Bench for necessary orders on 02.07.2004.

(G.BIKSHAPATHY, J.)

28th June, 2004.

(B.SESHASAYANA REDDY, J.)

SSR

Copies to

1. The Hon'ble Sri Justice G.Bikshapathy (for His Lordship's kind perusal).
2. The Hon'ble Sri Justice B.Seshasayana Reddy (for His Lordship's kind perusal).
3. The Union of India (Through Secretary for Home), Govenment of India, New Delhi.
4 The Deputy Inspector General of Police (CRPF), Group Centre, Chandrayanguta, Hyderabad.
5 B. Jayakrishnan (Enquiry Officer), and Deputy Commandant 141 Batalion, CRPF C/o Group Centre, Hyderabad.
6. 2 CD Copies.